



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 3326-99

24 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

As you know, the military departments assign disability ratings only to those conditions which render a service member unfit for duty. Although you received treatment for a number of conditions prior to your transfer to the Temporary Disability Retired List (TDRL) in 1995, the hyperthyroidism was the only condition considered unfitting by the Physical Evaluation Board. The degenerative joint disease of your spine and gastroesophageal reflux disease (GERD) were only minimally symptomatic at that time and productive of no significant impairment, as reflected by the 0% ratings assigned to those conditions by the Department of Veterans Affairs effective 20 June 1995. As they were not unfitting or ratable when you were transferred to the TDRL, they could not be rated when the PEB finalized your case in 1999. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this

regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director